

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WESLEY ALAN JONES,	:
	:
Petitioner,	:
	:
v.	: Civ. No. 21-594-RGA
	:
BILL FRITZLEN, Special Consular's	:
Office,	:
	:
Respondent.	:

MEMORANDUM ORDER

At Wilmington, this 7th day of December, 2022, having considered Petitioner's motion for reconsideration (D.I. 15);

IT IS HEREY ORDERED that the motion for reconsideration (D.I. 15) is **DENIED**.

On August 10, 2022, the Court dismissed this action for Petitioner's failure to show cause why the Petition should not be dismissed for failure to serve proper service as required under Fed. R. Civ. P. 4(m). (D.I. 12). Petitioner failed to show cause and, therefore, the case was dismissed. (*Id.*). On November 7, 2022, Petitioner filed a motion for reconsideration on the grounds that he made a "mistake of an overlooked procedure" under Rule 4 of the Federal Rules of Civil Procedure. (D.I. 15). He asks for additional time to cure his mistakes and to serve Defendant. (*Id.*).

The purpose of a motion for reconsideration is to correct manifest errors of law or fact or to present newly discovered evidence. *Max's Seafood Café ex rel. Lou-Ann, Inc. v. Quinteros*, 176 F.3d 669, 677 (3d Cir. 1999). Such a motion must rely on one of three grounds: (1) an intervening change in controlling law; (2) the availability of new

evidence; or (3) the need to correct a clear error of law or fact or to prevent manifest injustice. *Lazaridis v. Wehmer*, 591 F.3d 666, 669 (3d Cir. 2010).

The motion for reconsideration is untimely. Petitioner had 28 days from the filing of the August 10, 2022 order to file his motion for reconsideration. See Fed. R. Civ. P. 59(e); *Locke v. Uber*, 2015 WL 5008959, at *1 (M.D. Pa. Aug. 20, 2015) (dismissing motion for reconsideration as untimely), *aff'd*, 642 F. App'x 103, 104 (2016). He filed a motion to reconsider on November 7, 2022, far past the 28 day deadline. The motion will be denied.

/s/ Richard G. Andrews
UNITED STATES DISTRICT JUDGE